

### **SUMMARY OF INTERVIEW**

The following is a summary of an in-person interview between Examiners Kristen C. Hayes and Robert Swiateck with Applicants' representatives Dale C. Hunt and Hal W. Gibson on April 30, 2008. Applicants wish to thank the Examiners for their time and consideration.

#### **Exhibits and/or Demonstrations**

None.

#### **Identification of Claims Discussed**

1-3, 6-26, and 30.

#### **Identification of Prior Art Discussed**

Becker *et al.* (US Patent Publication No. 2004/0255513)

#### **Proposed Amendments**

None discussed.

#### **Principal Arguments and Other Matters**

Applicants' representatives submitted that Becker *et al.* is an inapplicable 102(e) prior art reference, because priority date of instant application precedes earliest filing date of Becker. Applicants' representatives expressed concerns regarding protracted prosecution resulting from the need to address new prior art references cited in each of three out of the total of four Office Actions on the merits.

#### **Results of Interview**

Applicants agreed to submit a response to the current Office Action, addressing outstanding rejections and objections to the drawings stated therein. Examiners agreed to consider remarks in said response and to further conduct a thorough prior art search and cite all applicable references, in the interest of compact prosecution.

### **REMARKS**

Claims 1-26, 29 and 30, drawn to a plant cultivation system for growing salt-tolerant terrestrial plants in saline water, are pending in the above-identified application. Claims 1-4, 6-26, and 30 were rejected. With this Amendment, Claim 4 is amended to recite "polychlorinated biphenyl," and Claims 11 and 24 are amended to recite "the cultivation system." Claims 15-19 are cancelled. Accordingly, Claims 1-14, 20-26, 29 and 30 are at issue. Support for the above amendments can be found throughout the specification. No new matter is added by way of these amendments.

#### **Objections to the Drawings Under 37 C.F.R. 1.83(a)**

The drawings were objected to under 37 C.F.R. 1.83(a) as failing to show every feature of the invention specified in the claims. Specifically, the Examiner stated that the irrigation system, means of collecting irrigation water, means of storing irrigation water, the housing and the evaporation-protective layer must be shown or the features canceled from the claims.

In order to accelerate prosecution of the application and further the pending claims toward allowance, Applicants have cancelled Claims 15-19, thereby removing the subject matter of the irrigation system, the means of collecting irrigation water, and the means of storing irrigation water from the claims. However, Applicants submit that the irrigation system, the means of collecting irrigation water, and the means of storing irrigation water are conventional features disclosed in the description and claims, and their detailed illustration is not essential for a proper understanding of the invention. Therefore, the Applicants reserve the right to further amend the drawings to incorporate an illustration of these claim features in the form of a graphical drawing symbol or a labeled representation, as stated in 37 C.F.R. 1.83(a), and to further pursue claims reciting these features in future prosecution.

With respect to the housing and the evaporation-protective layer, Applicants submit herewith a Replacement Sheet containing an updated version of Figure 2, in which these features, previously depicted in the original Figure 2 as filed, are labeled more clearly. The feature in the side-view of the plant cultivation system that is labeled as "Floating Growth Media Package (FGMP)" has been amended to now be labeled "Housing of the Growth Medium (Polypropylene Shadecloth Bag)." As described throughout the specification, for example in

paragraph [0018] and [0114], the housing of the growth medium refers to a cover of the floating growth media package, which is a polypropylene shade cloth bag. The feature labeled “Plastic Film for Moisture Retention” has been amended to now be labeled “Plastic Film (Evaporation-Protective Layer) for Moisture Retention.” The plastic film shown in Figure 2, and described in paragraph [0009] of the specification, serves as the evaporation-protective layer as recited in the claims. No new matter is added by way of these amendments to the labels of Figure 2.

In light of the cancellation of Claims 15-19 and the clarifications in the labeling of features in Figure 2, Applicants submit that every feature of the invention that is claimed is disclosed and respectfully request withdrawal of the objection to the drawings.

#### Rejection of Claims Under 35 U.S.C. §112, Second Paragraph

Claims 4, 11, and 24-26 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner asserted that Claims 11 and 24 recite the limitation “the platform” without sufficient antecedent basis. The Examiner asserted that Claim 4 recites the unknown term “PCB,” rendering the claim indefinite.

In response, Applicants have amended Claims 11 and 24 to recite “the cultivation system,” instead of “the platform.” Applicants submit that this amendment provides sufficient antecedent basis for the cultivation system described in the claims from which Claims 11 and 24 depend. Because Claims 25 and 26 depend from Claim 24, Applicants further submit that this amendment of Claim 24 renders definite the subject matter of Claims 25 and 26.

In response to the rejection of Claim 4, Applicants have amended Claim 4 to recite the term “polychlorinated biphenyl” to specify the meaning of the acronym “PCB.” Support for this amendment can be found in the specification, for example in paragraphs [0006] and [0100].

In light of these amendments, Applicants submit that the subject matter of the rejected claims is not indefinite, and respectfully request withdrawal of this rejection.

#### Rejection of Claims Under 35 U.S.C. §102(e)

Claims 1-3, 6-15, 20-26, and 30 are rejected under 35 U.S.C. § 102(e) as being anticipated by Becker *et al.* (US 2004/0255513). Specifically, regarding Claim 1, the Examiner

asserts that Becker discloses a plant cultivation system for growing salt-tolerant terrestrial plants in saline water comprising a plant support comprising a flexible buoyant portion and at least one salt tolerant plant in contact with the plant support, wherein at least a portion of the plant contacts the saline water. The Examiner further asserts that Becker discloses the features recited in Claims 2-15, 20-22, 24-26 and 30 of the instant application, as stated in paragraphs 9 through 27 of the Office Action.

Applicants respectfully submit that Becker *et al.* is an inapplicable reference in a rejection under 35 U.S.C. § 102(e). Becker *et al.* was published December 23, 2004, and filed June 17, 2003, without a priority claim. The instant application was filed April 9, 2004, and claims priority to US Provisional Application No. 60/461,901, filed on April 9, 2003. Thus, the priority date of the instant application precedes the earliest filing date of Becker *et al.* by approximately three months. Therefore, Applicants submit that Becker *et al.* does not qualify as an applicable 102(e) reference, and respectfully request withdrawal of this rejection.

#### Rejection of Claims Under 35 U.S.C. §103

Claims 16-19 were rejected under 35 U.S.C. § 103 as being unpatentable over Becker *et al.* in view of Raskin *et al.* (US Patent No. 5,876,484). Specifically, regarding Claims 16 and 17, the Examiner asserts that Becker discloses a device with the limitations of claim 15, and though it does not disclose an irrigation system delivering evaporative water, etc., Raskin discloses an irrigation system that delivers fresh water and nutrients to the plant. The Examiner further asserts that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the irrigation system of Becker to deliver fresh water and nutrients to the plant, depending on the plants' need for such. Regarding Claims 18 and 19, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the device of Becker to include a means of collecting and storing the irrigation water as disclosed by Raskin.

However, Applicants respectfully submit that this rejection is moot, because it is based on an inapplicable reference under U.S.C. § 102(e), as discussed in the preceding paragraphs. In view of the foregoing, Applicants respectfully submit that Claim 15 and its dependent claims 16-19 are patentable over the cited references in combination or alone. However, Applicants note that Claims 15-19 have been cancelled for the purposes of overcoming the objection to the

drawings, as discussed in preceding remarks. The rejection is also therefore moot on the grounds of this cancellation. Therefore, withdrawal of the rejection of claims under 35 U.S.C. §103 is respectfully requested.

Conclusion

Applicants submit that the present Application is in condition for allowance and respectfully request the same. If any issues remain, the Examiner is cordially invited to contact Applicants' representative at the number provided below in order to resolve such issues promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 19-3140.

Respectfully submitted,

Dated: May 22, 2008

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